

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

DARNELL UPSHAW, :  
Petitioner : CIVIL ACTION NO. 3:22-1415  
v. : (JUDGE MANNION)  
: :  
WARDEN J. SAGE, :  
: :  
Respondent : :  
: :

**ORDER**

In accordance with this Court's memorandum issued this same day, IT

**IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. [1](#)) is **DISMISSED** without prejudice.
2. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. §2253(c).
3. The Clerk of Court is directed to **CLOSE** this case.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: September 28, 2022**

22-1415-01